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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,933	09/01/2000	Jay S. Walker	96-108XX	7050

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EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/654,933	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Ella Colbert	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 49-62,70 and 73-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-62,70 and 73-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 49-62, 70, and 73-80 are pending. Claims 49, 70, 73, and 74 have been amended and claims 75-80 have been added in this communication filed 04/11/05 entered as Response to Election/Restriction.
2. An RCE with Amendment was filed 12/23/04 and entered.
3. The 35 USC 101 Rejection of claims 70 has been overcome by Applicants' amendment and 80 was in error and the 35 USC 101 rejection for claims 70 and 80 is hereby withdrawn.
3. The Restriction Requirement has been considered and is hereby withdrawn in view of the arguments presented during the telephone interview of 04/04/05.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claim 49-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,933,817) Huncal in view of (US 4,46,442) Musmanno.

Claims 49, 61 and 62: Huncal teaches, A method, corresponding apparatus and program comprising: determining a first value for an parameter of a credit account (col. 1, line 59-col. 2, line 19); determining a second value for the parameter (col.. 3, lines 31-45); calculating, by a processing device, a payment, wherein the payment is based on a

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modification of the parameter from the first value to the second value (col. 3, lines 5-8, lines 28-34 (central processing unit of computer system) and lines 46-64, and col. 4, lines 9-35). Huncal failed to teach, providing an offer to a customer associated with the credit account, wherein the offer comprises an offer to provide the payment to the customer if the customer agrees to the modification of the parameter. Musmanno teaches, providing an offer to a customer associated with the credit account, wherein the offer comprises an offer to provide the payment to the customer if the customer agrees to the modification of the parameter (col. 2, lines 32-58 and col. 4, lines 1-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an offer to a customer associated with the credit account, wherein the offer comprises an offer to provide the payment to the customer if the customer agrees to the modification of the parameter and to modify in Huncal because such a modification would allow Huncal to provide a customer with special services if the customer complies with the credit regulations and earns a "cash back" benefit on his or her credit account.

Claim 50. Huncal teaches, The method of claim 49, further comprising: receiving a customer acceptance of the offer (col. 4, lines 36-44 –"the customer has the opportunity to accept and to qualify for each tier of the reduced interest rates").

Claim 51. Huncal teaches, The method of claim 50, further comprising: providing the payment to the customer (col. 4, line 47-col. 5, line 61); and modifying the account parameter from the first value to the second value (col. 4, lines 57-57 –"interest rate and period of time monthly").

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Claim 52. Huncal teaches, The method of claim 51, wherein an indication of the first value of the parameter of the credit account associated with the customer is stored in a record of a parameter database (col. 2, lines 20-48 —a database by definition is a collection of data stored on a computer storage medium such as a disk that can be used for more than one purpose) and where the step of modifying the parameter comprises: substituting the second value for the first value in the record of the parameter database (col. 2, line 49-59 and col. 3, lines 1-11).

Claim 53. Huncal teaches, The method of claim 52, wherein the value of the parameter as stored in the record of the parameter database is used to calculate an amount owed by the customer for activity on the credit account (col. 2, lines 9-39).

Claim 54. Huncal teaches, The method of claim 49, wherein the account parameter comprises one of an interest rate, a time period of the interest rate, a monthly minimum payment, a credit limit, a grace period, a payment amnesty, and a late fee (col. 3, lines 22-30 —minimum payment; lines 42-45 —time period of the interest rate; and line 61-col. 4, line 15 —interest rate; and col. 5, lines 1-10).

Claim 55. Huncal teaches, The method of claim 49, wherein the second value is selected based on information associated with the customer associated with the credit account (col. Col. 4, lines 45-67).

Claim 56. Huncal teaches, The method of claim 55, wherein the customer information comprises a customer rating (col. 2, lines 27-33).

Claim 57. Huncal and Musamanno failed to teach, The method of claim 56, wherein the customer rating is based on at least one of a past payment history for the credit

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account, information obtained from a credit reporting agency, and an income of the customer, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the customer rating based on at least one of a past payment history for the credit account, information obtained from a credit reporting agency, and an income of the customer and to modify in Huncal because such a modification would allow Huncal to have the capability to give a customer credit based on the customer's credit worthiness and ability to pay debts. However, it is well known in the art when applying for credit or a loan, etc. the applicant's (customer's) credit report which includes the past payment history and the income of the customer are always checked and the loan amount (credit) and rate of interest are based mainly on these factors.

Claim 58. Huncal teaches, The method of claim 49, wherein the step of calculating the payment comprises: calculating a payment, wherein the payment is based on the modification of the parameter from the first value to the second value and information associated with the customer associated with the credit account (col. 3, lines 25-64).

Claim 59. Huncal teaches, The method of claim 49, wherein the second value of the parameter is more favorable to a credit account issuer associated with the credit account (col. 3, lines 46-60).

Claim 60. Huncal teaches, The method of claim 49, wherein the second value of the parameter is more profitable to a credit account issuer associated with the credit account (col. 4, lines 2-44).

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Claims 70, 73 and 74: Huncal teaches in claim 73, A storage device (col. 2, lines 34-42); a processor in communication with the storage device (col. 3, lines 31-33); the storage device storing a program for controlling the processor (col. 2, lines 34-37); and the processor operative with the program (col. 3, lines 1-11 and lines 31-34) and claims 70 and 74, A method and medium encoded with a program for implementing the method, said program for directing a device to perform the steps of: determining at least one term of the credit account (col. 2, lines 49-60); and determining a payment to offer to the customer in exchange for modifying the at least one term (col. 3, line 61-col. 4, line 44); and presenting the customer with an offer to modify the at least one term of the credit account (col. 5, lines 20-30), wherein the offer to modify the at least one term of the credit account includes an offer of the payment (col. 5, lines 42-61). Huncal failed to teach, determining that a customer associated with a credit account is dissatisfied with the credit account; determining at least one term of the credit account. Musmanno teaches, determining that a customer associated with a credit account is dissatisfied with the credit account; determining at least one term of the credit account (col. 3, lines 49-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine that a customer associated with a credit account is dissatisfied with the credit account and determining at least one term of the credit account and to modify in Huncal because such a modification would allow Huncal to determine which term of the credit account the customer is dissatisfied with and to negotiate another term of the credit account that the customer is satisfied with relating to the credit account.

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Claim 75. Huncal teaches, The method of claim 70, further comprising: receiving from the customer a requested modification to the at least one term of the credit account (col. 3, lines 43-45).

Claim 76. Huncal teaches, The method of claim 75, further comprising: evaluating the requested modification in order to determine whether to accept or reject the modification (col. 4, lines 36-44). Huncal and Musmanno failed to teach, transmitting to the customer, based on the evaluation, at least one of an acceptance and a rejection of the requested modification, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit to the customer, based on the evaluation, at least one of an acceptance and a rejection of the requested modification and to modify in Huncal because such a modification would allow Huncal to know whether the customer would accept the modification or whether the customer would rejected the modification and would need to be made another modification offer.

Claim 77. This dependent claim is rejected for the similar rationale as given above for claim 76.

Claim 78. This dependent claim is rejected for the similar rationale as given above for claims 76 and 78.

Claim 79. Huncal and Musmanno failed to teach, The method of claim 70, wherein the determination that a customer is dissatisfied with the credit account is based on receiving, from the customer, a request to cancel the account, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to



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determine that a customer is dissatisfied with the credit account is based on receiving, from the customer, a request to cancel the account and to modify in Huncal because such a modification would allow Huncal to know that the customer is dissatisfied with the credit account when the account is requested to be cancelled. It is well known that when a customer is dissatisfied with a credit account or loan account that the customer with cancel the account and/or move the account.

Claim 80. This independent claim is rejected for the similar rationale as above for claim 1.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leon et al (US 4,742,457) disclosed means to adjust deposit and loan accounts for inflation.

### ***Inquiries***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'E. Colbert', with a long horizontal flourish extending to the right.

E. Colbert  
June 25, 2005